

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALIREZA BAKHTIARI,

Plaintiff,

VS.

PATRICIA LEADER FRANK

AL-KHALEDY, et al.

Defendants.

Case No. 4:11-CV-971 SNLJ

MEMORANDUM

Plaintiff brought this case against defendants in 2011. As described more fully in earlier memorandums, plaintiff's allegations against the defendants were entirely fabricated. Plaintiff admitted to the deception during criminal proceedings that stemmed from plaintiff's emailed threats to defense counsel in this case.¹ Plaintiff pleaded guilty and is serving time in prison as a consequence.

This matter was stayed while plaintiff's criminal proceedings took place. The Court lifted the stay on May 28, 2013. Because there had been no activity in this matter since the stay was lifted, on August 20, 2013, the Court ordered plaintiff to show cause as to why the matter should not be dismissed for failure to prosecute (#125). Plaintiff did not respond. In the meantime, on August 22, 2013, defendant Missouri College filed a motion for sanctions (#126). Plaintiff did not response to the motion for sanctions. As discussed more fully in the Court's order granting that motion for sanctions, the defendants are entitled to monetary sanctions in this

¹*United States of America v. Alireza Bakhtiari, a.k.a. Al Bakt*, Case No. 4:12-cr-00097-ERW, Doc. No. 88.

matter because (1) plaintiff filed this action knowing it was false, and he admitted to that during his criminal proceedings,² (2) plaintiff flouted the Court's December 30, 2011 Order (#70) to produce his electronic devices for imaging, and then lied to the Court that he had complied, and (3) plaintiff admitted during his guilty plea that he made email threats against defense counsel and defense counsel's family that were made to obstruct and intimidate defense counsel.

The Court ordered that plaintiff's case be dismissed in accordance with its August 20, 2013 Order (#125), Federal Rule Civil Procedure 41(b), and Rule 37(b)(2). The Court also indicated that it would order the plaintiff to pay defendant Missouri College's reasonable expenses, including attorneys' fees.

Defendant Missouri College's Sealed Response to the Court dated September 11, 2013 (#143) submits that defendant is entitled to \$348,601.95 for its attorneys' fees and \$14,933.64 in costs. Defendant's fees and costs are well-documented. Shortly after Missouri College filed its Response, however, plaintiff filed a "Motion to Set Aside Judgment and to Impose Sanctions Against Defense Attorneys for Lack of Candor and Misconduct" (#134) and a "Motion for Stay of the Proceedings and Appointment of Counsel" (#136).


In his first motion, plaintiff accuses defense counsel of failing to inform him of defendant's motion for sanctions. Defense counsel remains firm that it sent defendant a service copy of the motion, but defendant charitably suggests that the Court could allow plaintiff time to respond to the motion.

²*United States of America v. Alireza Bakhtiari, a.k.a. Al Bakt*, Case No. 4:12-cr-00097-ERW, Doc. No. 88.

Plaintiff's second motion appears to be a response to the Court's Order to Show Cause (#125). He requests a stay of the proceedings in this matter as well as appointment of counsel. He states he is under a "present danger of self-incrimination" and otherwise unable to litigate his case, despite the fact that he has filed and is litigating two other matters in federal court.³ The Plaintiff also suggests that the plea agreement in his criminal prosecution (*United States of America v. Alireza Bakhtiari, a.k.a. Al Bakt*, Case No. 4:12-cr-00097-ERW, Doc. No. 88.) somehow states that a former defendant in this case, Patricia Leader, was in fact responsible for forging the letters at issue. The second motion is riddled with misstatements and false accusations against defense counsel in this case. The Court will not go into them here. Plaintiff admitted that this lawsuit was based on false allegations, and therefore this case should have been dismissed by plaintiff long ago.

The Court will deny both of plaintiff's motion. Further, the Court will order plaintiff to pay defendant \$363,535.59 in monetary sanctions.

Dated this 21st day of January, 2014.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE

³See *Bakhtiari v. Walton*, No. 13-906-JPG (S.D. Ill.) and *Bakhtiari v. United States*, No. 4:13-cv-1344-ERW (E.D. Mo.).